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July 31, 2003

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Re: U.S. Utility Patent Application
Appl. No. 09/595,420; Filed: June 15, 2000
For: **Apparatus for the Operation of a Microfluidic Device**
Inventors: **BERNDT et al.**
Our Ref: 100/08410 (2042.0120001/LEA)

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition For Extension of Time Under 37 C.F.R. §1.136(a)(1);
3. Request for Continued Examination (RCE) Transmittal (PTO/SB/30);
4. Preliminary Amendment Under 37 C.F.R. § 1.115;
5. Request By Applicants for Interference Pursuant to 37 C.F.R. § 1.607;
6. Declaration in Support of the Request for Interference;
7. Information Disclosure Statement;
8. Form PTO/SB/08A (one (1) page) with cited references A1-F1 (six (6) references);

Commissioner for Patents
June 2, 2003
Page 2

9. Form PTO-2038 Credit Card Payment Form for a total of \$2,286.00 to cover:
- \$750.00 RCE Filing fee;
 - \$930.00 Extension of Time fee for three (3) month extension of time;
 - \$606.00 Excess claims fees; and
10. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Linda E. Alcorn

Linda E. Alcorn
Attorney for Applicants
Registration No. 39,588

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Patent fees are subject to annual revision.

claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$2,286.00)

Complete if Known	
Application Number	09/595,420
Filing Date	June 15, 2000
First Named Inventor	Manfred BERNDT
Examiner Name	Jennine Brown
Art Unit	1755
Attorney Docket No.	100/08410 (2052.0120001/LEA)

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other** None
 ** Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

Deposit Account
 Deposit Account Number 19-0036
 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any over payments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	930.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	750.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$1,680.00)**

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra	Fee from below	Fee Paid
Total Claims	35	- 20** = 15	X 18.00 = 270.00
Indep. Claims	7	- 3** = 4	X 84.00 = 336.00
Multiple Dependent			=

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$606.00)

**or number previously paid, if greater; For Reissue, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Linda E. Alcorn	Registration No. (Attorney/Agent)	39,588	Telephone	202-371-2600
Signature	<i>Linda E. Alcorn</i>	Date	July 31, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, O.P. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#19
8/14/03
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In re application of:

Berndt *et al.*

Appl. No.: 09/595,420

Filed: June 15, 2000

**For: Apparatus For the Operation
of a Microfluidic Device**

Confirmation No.: 9071

Art Unit: 1755

Examiner: J. Brown

Atty. Docket: 100/08410
(2052.0120001/LEA)

REQUEST BY APPLICANTS FOR INTERFERENCE
PURSUANT TO 37 CFR § 1.607

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.607 and 1.643, Caliper Technologies Corp., assignee of record of a partial interest in the present application, requests the declaration of an interference between the present application ("the Berndt *et al.* '420 application") and U.S. Patent Application No. 09/598,968 to Berndt, filed on June 22, 2000 ("the Berndt '968 application"). Agilent Technologies, Inc. is the alleged owner of the Berndt '968 application. Agilent and Caliper are co-owners of the Berndt *et al.* '420 application.

The present application claims the benefit under 35 U.S.C. § 119 of the filing date of U.S. Provisional Application No. 60/140,215, filed June 22, 1999. Accordingly, the present application is entitled to an effective filing date at least as early as June 22, 1999.

According to the information that has been provided to Caliper by Agilent, the Berndt '968 application was filed on June 22, 2000. Agilent is asserting that the Berndt '968 application is entitled to the benefit of an earlier filed German priority application under 35 U.S.C. § 119. According to publicly available databases, the only German applications listing Manfred Berndt as

an inventor and relating to the present application were filed on June 22, 1999. As such, if Agilent is able to show that the Berndt '968 application is entitled to the June 22, 1999 priority date, then both applications will be entitled to the same priority date and neither party would in fact be either senior or junior. *See Sewall v. Walters*, 21 F.3d 411, 30 USPQ2d 1356 (Fed. Cir. 1994).

Caliper requests that the Board place the burden on the applicant in the Berndt '968 application to show his asserted sole inventorship, because he is the original, second to file applicant (*i.e.*, the Berndt '968 application was filed on June 22, 2000, whereas the Berndt *et al.* '420 application was filed on June 15, 2000). The present facts are strikingly similar to the fact pattern in *Sewall v. Walters*, in which both Sewall and Walters were entitled to the same filing date. The Federal Circuit in *Sewall* placed the burden on Walters to show his asserted sole inventorship because he was the original second to file his application. *Id.* at 414, 30 USPQ2d at 1357.

I. PROPOSED COUNT

In accordance with 37 C.F.R. § 1.607(a)(2), the following alternative counts are proposed:

Proposed Count 1

A device for operating a microchip with a microfluid structure for chemical, physical, and/or biological processing, the microchip including supply elements corresponding with the microfluid structure, comprising:

a supply unit for providing a potential for moving substances corresponding to the microfluid structure, the supply unit having supply lines for enabling the potential to be coupled to the microchip, the supply lines being arranged to interact with the supply elements which correspond to the microfluid structure,
an interface element, and
a holder for carrying the interface element,

the interface element including a structure for connecting the supply lines with at least one of the supply elements that correspond to the microfluid structure,

the interface element and the holder having structures for enabling the interface element to be releasably connectable to the holder so that the interface element can be selectively secured to and removed from the holder,

the interface element having exterior surfaces resistant to the substances processed by the microchip.

Proposed Count 1 corresponds exactly to pending claim 1 of the Berndt '968 application and pending claim 14 of the Berndt *et al.* '420 application.

OR

Alternative Proposed Count 1

A system for analysis or synthesis of materials, comprising:

a first physical unit, comprising a mounting region for receiving a microfluidic device;

at least one second physical unit spatially separated from the first physical unit and comprising a material transport system that includes at least a first interface component;

wherein the first physical unit and second physical unit are oriented with respect to each other whereby the material transport system provides a potential to the microfluidic device through the first interface component to transport material through the microfluidic device; and

wherein the first interface component is removable from the second physical unit

A device for introducing a second laminar fluid layer to, or removing a second laminar fluid layer from, a first laminar fluid layer, said device comprising:

a main flow channel, characterized by a width which is the distance between the channel top and channel bottom, and a depth which is the distance between the channel sides, said width being smaller than said depth, and said main flow channel having an upstream end and a downstream end;

a first inlet port in fluid connection with said upstream end of said main flow channel;

a first outlet port in fluid connection with said downstream end of said main flow channel;

a first tributary channel having a first end and a second end;
a first tributary port in fluid connection with said second end
of said tributary channel;

a first bridge channel having a first end and a second end, said
second end of said first bridge channel in fluid connection with said
first end of said first tributary channel, said first end of said first
bridge channel in fluid connection with said bottom of said main flow
channel between said upstream end of said main flow channel and
said downstream end of said main flow channel.

Alternative Proposed Count 1 corresponds exactly to claim 1 of the Berndt *et al.* '420
application.

II. IDENTIFICATION OF CLAIMS CORRESPONDING TO PROPOSED COUNTS

A. Berndt '968 Application Claims

Claim 1 of the Berndt '968 application corresponds exactly to Proposed Count 1.
Claims 2-25 of the Berndt '968 application correspond substantially to Proposed Count 1, in
the sense of 37 C.F.R. § 1.601(f) in that they are not identical to the count but define the same
patentable invention under 37 C.F.R. § 1.601(n).

B. Claims of the present application

The present application, as amended in a Preliminary Amendment filed along with
this Request for Interference, contains claims 1-35. Claims 14-35 of the present application
are identical to claims 1-14 and 18-25 now pending in the Berndt '968 application

Claim 1 of the present application corresponds exactly to Alternative Proposed Count
1. Claims 2-13 of the present application correspond substantially to Alternative Proposed

Count 1, in the sense of 37 C.F.R. § 1.601(f) in that they are not identical to the count but define the same patentable invention under 37 C.F.R. § 1.601(n).

Claim 14 corresponds exactly to Proposed Count 1. Claims 15-35 of the present application correspond substantially to Proposed Count 1, in the sense of 37 C.F.R. § 1.601(f) in that they are not identical to the count but define the same patentable invention under 37 C.F.R. § 1.601(n).

III. APPLICATION OF CLAIMS 14-39 TO THE DISCLOSURE OF THE PRESENT APPLICATION

Provided below is a table that sets forth examples of support in the present specification for each claim feature of claims 14-35, which were copied from the Berndt '968 application. Accordingly, the subject matter of claims 14-35 is disclosed in the present application at least as set forth in Table 1.

Table 1: Support in Present Application for Copied Claims

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
1.a	A device for operating a microchip	"system for the operation of a laboratory microchip or system for analysis or synthesis of material"	p. 4, lns 3-11; p. 7, lns 7-9; claim 1

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
1.b	with a microfluid structure for chemical, physical, and/or biological processing,	"a first physical unit comprising a mounting region for receiving a microfluidic device" "microchip laboratory systems used in the controlled implementation of chemical, physicochemical, physical, biochemical and/or biological processes"	p. 7, lns 20-23, claim 1 p. 4, lns 3-5
1.c	the microchip including supply elements corresponding with the microfluid structure, comprising	recesses 33 which act as contactless surfaces for application of electrodes; alternatively, the contacting for the chips can also take place by means of insertion of a corresponding electrode point directly into recesses 21,22,23 and 24	p. 12, lns 26-31
1.d	a supply unit for providing a potential for moving substances corresponding to the microfluid structure,	supply system 56; first supply system/second physical unit 44	p. 14, lns 13-15 p. 4, lns 17-22, p. 13, lns 20-22
1.e	the supply unit having supply lines for enabling the potential to be coupled to the microchip, the supply lines being arranged to interact with the supply elements which correspond to the microfluid structure,	electrodes 58; fluid supply 59	p. 14, lns 15-19
1.f	an interface element, and	intermediate interface component 57 (FIG. 4) or 73 (FIGs. 5a-5d)	p. 14, lns 27-33; p. 15, lns 31-35; claim 1
1.g	a holder for carrying the interface element,	second physical unit 55, 78 cartridge 70	p. 14, lns 13-15 p. 16, lns 6-10

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
1.h	the interface element including a structure for connecting the supply lines with at least one of the supply units that correspond to the microfluid structure,	"The intermediate interface component provides an electrical connection 60 (or connecting conduits), by means of which electrodes 58 (or conduits) of supply system 56 and the correspondingly allocated opposite electrodes 53 of the microchip can be bridged. Accordingly, connecting lines 61 can be used for bridging conduits for supplying fluids or other materials."	p. 14, lns 29-33
1.i	the interface element and the holder having structures for enabling the interface element to be releasably connectable to the holder so that the interface element can be selectively secured to and removed from the holder,	"Interface component 57 which has a separable connection with the supply system 56, functioning as a replaceable interface array" bayonet connector 74, 75	p. 14, lns 27-29 p. 16, lns 1-5
1.j	the interface element having exterior surfaces resistant to the substances processed by the microchip.	connecting lines 61 can be used for bridging conduits for supplying fluids or other materials...fulfills function of avoiding the wear & tear or dirtying of the electrodes of supply system; "only the conduits of the intermediate interface component come into contact with the corresponding lines or interface elements of the chip"	p. 9, lns 14-16; p. 14, lns 32-33; p. 15, lns 1-5 page 15, lines 20-24

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
2.	The device according to claim 1, wherein the interface element has electrodes for supplying the microchip with electrical energy for generating a potential required for the microfluid movement of the substances on the microchip.	<p>"The intermediate interface component 56, functioning as a replaceable interface array, as shown. The intermediate interface component provides an electrical connection 60 (or connecting conduits), by means of which electrodes 58 (or conduits) of supply system 56 and the correspondingly allocated opposite electrodes 53 of the microchip can be bridged."</p> <p>"contacting of the contact electrodes of the supply system with the corresponding contact on the microchip is performed by the interface component"; "proposed module unit...exhibits all of the supply elements/units required for microchip operation."</p>	<p>p. 14, lns 29-32</p> <p>p. 8, lns 25-26; p. 15, lns 29-31</p>
3.	The device according to claim 1, wherein the interface element has channels for supplying the microchip with mechanical energy for generating a potential required for the microfluid movement of the substances on the microchip.	<p>"The intermediate interface component 56, functioning as a replaceable interface array, as shown. The intermediate interface component provides an electrical connection 60 (or connecting conduits), by means of which electrodes 58 (or conduits) of supply system 56 and the correspondingly allocated opposite electrodes 53 of the microchip can be bridged."</p> <p>"the first interface component and the fluid supply system comprise at least one common conduit"; "both the first and second supply systems can contain either electrical conductors and/or hollow conduits"</p>	<p>p. 14, lns 29-32</p> <p>p. 4, lns 11-13; p. 8, lns 5-8; 9, lns 1-2; claim 3</p>

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
4.	The device according to claim 1, wherein the interface element has channels for supplying the microchip with thermal energy for generating a potential required for the microfluid movement of the substances on the microchip.	See claim 3 above "Furthermore, materials can be transported by means of application of a suitable temperature profile, in which context transportation takes place by means of thermal expansion or compression of the respective material."	p. 4, lns 11-13; p. 8, lns 5-8; p. 9, lns 1-2; p. 14, lns 29-32 page 5, lns 24-27
5.	The device according to claim 2, wherein the channels are arranged for supplying the microchip with mechanical energy for feeding a pressurized fluid.	See claim 3 above "For example, the potential difference required for transport of materials can also be brought about by application of a pressurized medium, ideally compressed air on the materials, or another suitable gas medium such as, for example, inert gas, or by application of negative pressures or vacuum."	p. 4, lns 11-13; p. 8, lns 5-8; p. 14, lns 29-32 p. 5, lns. 21-24
6.	The device according to claim 1, wherein the device is arranged for analyzing or synthesizing substances supplying the microchip with at least some of the necessary substances for processing or analysis, wherein the interface element has channels for supplying the microchip with these substances.	The operational components typically used for the microchip systems include components relating to material transport or flow 1, and components relating to information flow 2 arising upon execution of a test. Material flow 1 typically includes sampling operations 3 and operations for transporting 4 materials on the chip. Furthermore, a sensor system 6 is typically employed to detect the results of a test, and optionally monitor the material flow operations, so that adjustments can be made in controlling material flow using the control system.	p. 4, lns 23-32; p. 9, lns. 28-32; p. 13, lns. 15-19

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
7.	The device according to claim 6, further including seals at the ends of the channels of the interface element for preventing the substances from exiting.	"sealing elements . . . are necessary between lines 59 [of supply system 56] and lines 61 [of interface element 57]."	p. 14, lns 32-34
8.	The device according to claim 1, wherein the interface element includes an electrically insulating substrate in which the electrodes and channels are embedded.	Interchangeable contact plate 71 of cartridge 70 is made of ceramics or polymeric materials (e.g. Teflon or polyimide).	p. 15, lns 20-24
9.	The device according to claim 8, wherein the substrate is a ceramic.	Interchangeable contact plate 71 of cartridge 70 is made of ceramics or polymeric materials (e.g. Teflon or polyimide).	p. 15, lns 20-24
10.	The device according to claim 8, wherein the substrate is a polymer.	Interchangeable contact plate 71 of cartridge 70 is made of ceramics or polymeric materials (e.g. Teflon or polyimide).	p. 15, lns 20-24
11.	The device according to claim 1, wherein the interface element and the supply unit are arranged and constructed so the interface is releasably attached to the supply unit	"wherein the first interface component is removable from the second physical unit"	claim 1; p. 14, lns 27-29; p. 15, line 34-p. 16, line 5
12.	The device according to claim 11, wherein the interface element includes a bayonet lock for releasably attaching the interface unit to the supply unit.	bayonet connector 74,75	claim 9; p. 15, line 34-p. 16, line 5
13.	The device according to claim 1, wherein the interface element and the supply unit respectively include a first coding element for identifying the interface element, a second coding element on at least one of the supply units and the microchip, the first and second coding elements corresponding with each other and interacting with each other.	control unit operably coupled to the first interface component; sensor	claims 4-6

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
14.	The device according to claim 1, wherein the microchip is in a first assembly, and the supply unit as well as the interface element are in a module, a second assembly, the module and second assembly being arranged and constructed so the module is releasably connected to the second assembly.	"the microchip 41 is accommodated in a first physical unit 42 and is preferably arranged on a mounting plate" "second physical unit 55 includes supply systems 56 and intermediate interface component 57" or "cartridge 70, integrated in a supply system with an interface component 73" replaceable cartridge 56 (p. 15, lns 7-10) or replaceable cartridge 70 (p. 15, lns 15-16)	p. 13, lns 11-14 p. 14, lns 13-15 & 27-29 p. 15, lns 19-20 & 29-31
18.	The device according to claim 1, wherein the cooperating structures are such that the interface element is locked in place on a securing structure of the holder in response to rotation of the interface element relative to the holder.	"intermediate interface component has a separable connection to the cartridge by means of a bayonet connector"	p. 15, ln 34-p. 16, ln 5
19.	The device according to claim 1 further including a housing for the (a) microchip, (b) holder, (c) interface element and (d) supply unit, and wherein the holder and housing have cooperating structures for enabling the holder to be selectively (a) locked into place in the housing and (b) released and removed from the housing.	equipment housing 77 "the module unit which has a separable connection with the second physical unit"	p. 16, lns 15-16 p. 8, lns 22-25; p. 16, lns 15-27
20.a	A device for operating a microchip	See claim element 1.a	See claim element 1.a
20.b	with a microfluid structure for chemical, physical, and/or biological processing,	See claim element 1.b	See claim element 1.b
20.c	the microchip including supply elements corresponding with the microfluid structure, comprising	See claim element 1.c	See claim element 1.c

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
20.d	a supply unit for providing a potential for moving substances corresponding to the microfluid structure,	See claim element 1.d	See claim element 1.d
20.e	the supply unit having supply lines for enabling the potential to be coupled to the microchip, the supply lines being arranged to interact with the supply elements which correspond to the microfluid structure,	See claim element 1.e	See claim element 1.e
20.f	an interface element, and	See claim element 1.f	See claim element 1.f
20.g	a holder for carrying the interface element,	See claim element 1.g	See claim element 1.g
20.h	the interface element including a structure for connecting the supply lines with at least one of the supply elements that correspond to the microfluid structure,	See claim element 1.h	See claim element 1.h
20.i	the interface element and the holder having structures for enabling the interface element to be releasably connectable to the holder so that the interface element can be selectively secured to and removed from the holder,	See claim element 1.i	See claim element 1.i
20.j	the interface element consisting of materials and structures that can be cleaned with chemicals for reuse.	Interchangeable contact plate 71 of cartridge 70 is made of ceramics or polymeric materials (e.g. Teflon or polyimide).	p. 15, lns 20-24
21.	The device according to claim 20 further including a housing for the (a) microchip, (b) holder, (c) interface element and (d) supply unit, and wherein the holder and housing have cooperating structures for enabling the holder to be selectively (a) locked into place in the housing and (b) released and removed from the housing.	See claim 19	See claim 19
22.a	A device for operating a microchip	See claim element 1.a	See claim element 1.a

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
22.b	with a microfluid structure for chemical, physical, and/or biological processing,	See claim element 1.b	See claim element 1.b
22.c	the microchip including supply elements corresponding with the microfluid structure, comprising	See claim element 1.c	See claim element 1.c
22.d	a supply unit for proving a potential for moving substances corresponding to the microfluid structure,	See claim element 1.d	See claim element 1.d
22.e	the supply unit having supply lines for enabling the potential to be coupled to the microchip, the supply lines being arranged to interact with the supply elements which correspond to the microfluid structure,	See claim element 1.e	See claim element 1.e
22.f	an interface element, and	See claim element 1.f	See claim element 1.f
22.g	a holder for carrying the interface element,	See claim element 1.g	See claim element 1.g
22.h	the interface element including a structure for connecting the supply lines with at least one of the supply elements that correspond to the microfluid structure,	See claim element 1.h	See claim element 1.h
22.i	the interface element and the holder having structures for enabling the interface element to be releasably connectable to the holder so that the interface element can be selectively secured to and removed from the holder,	See claim element 1.i	See claim element 1.i
22.j	a housing for the (a) microchip, (b) holder, (c) interface element and (d) supply unit, the holder and housing having cooperating structures for enabling the holder to be selectively (a) locked into place in the housing and (b) released and removed from the housing.	See claim 19	See claim 19

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
23.a	A system for enabling plural microchips with different microfluidic configurations to be interchangeably used,	<p>"[T]he intermediate interface component enables straightforward spatial adaptation of the supply lines to various microchip layouts."</p> <p>"[T]he intermediate component or carrier can also fulfill the function of providing spatial adaptation of the electrodes of supply system 56 to the corresponding surface or spatial arrangement of the microchip electrode surfaces. This provides for an advantageous facility of achieving adaptation of the entire measurement/operating installation to a special microchip layout purely by replacement of cartridge 56 and/or intermediate interface component 57. In particular, cartridge replacement enables simple and rapid adaptation of the handling installation to various test types or various modes of operation, such as, for example, interchange between electrical supply and compressed-gas supply to the microchip, or for electrical supply to microchips having different interface layouts, e.g., reservoir patterns."</p>	<p>p. 9, lns 16-17</p> <p>p. 15, lns 4-14</p>
23.b	the different microfluidic configurations having different supply element configurations, comprising	various microchip layouts	p. 9, lns 16-17
23.c	a supply unit for providing a potential for moving substances in a microchip being used in a device of the system,	See claim element 1.d	See claim element 1.d
23.d	the supply unit having supply lines for enabling the potential to be coupled to the microchip being used in the device,	See claim element 1.e	See claim element 1.e

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
23.e	a plurality of interface elements having supply lines for selective connection between the supply lines of the source and the supply elements of the microchips,	adaptation to a special microchip layout by replacement of cartridge 56 and/or intermediate interface component 57	p. 9, lns 16-17 p. 15, lns 4-14
23.f	different ones of the interface elements having different supply line configurations for supplying potentials from the supply lines of the source to the supply elements of the microchips with the different microfluidic configurations,	interface component 57 providing spatial adaptation of the electrodes of supply system 56 to the corresponding surface or spatial arrangement of the microchip electrode surfaces.	p. 9, lns 16-17 p. 15, lns 4-14
23.g	the interface elements having exterior surfaces that are resistant to the substances processed by the microchip.	See claim element 1.j	See claim element 1.j
24.a	A system for enabling plural microchips with different microfluidic configurations to be interchangeably used,	See claim element 23.a	See claim element 23.a
24.b	the different microfluidic configurations having different supply element configurations, comprising	See claim element 23.b	See claim element 23.b
24.c	a supply unit for providing a potential for moving substances in a microchip being used in a device of the system,	See claim element 1.d	See claim element 1.d
24.d	the supply unit having supply lines for enabling the potential to be coupled to the microchip being used in the device,	See claim element 1.e	See claim element 1.e
24.e	a plurality of interface elements having supply lines for selective connection between the supply lines of the source and the supply elements of the microchips,	See claim element 23.e	See claim element 23.e

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
24.f	different ones of the interface elements having different supply line configurations for supplying potentials from the supply lines of the source to the supply elements of the microchips with the different microfluidic configurations,	See claim element 23.f	See claim element 23.f
24.g	the interface elements consisting of materials and structures that can be cleaned with chemicals for reuse.	Interchangeable contact plate 71 of cartridge 70 is made of ceramics or polymeric materials (e.g. Teflon or polyimide).	p. 15, lns 20-24
25.a	A system for enabling plural microchips with different microfluidic configurations to be interchangeably used,	See claim element 23.a	See claim element 23.a
25.b	the different microfluidic configurations having different supply element configurations, comprising	See claim element 23.b	See claim element 23.b
25.c	a supply unit for providing a potential for moving substances in a microchip being used in a device of the system,	See claim element 1.d	See claim element 1.d
25.d	the supply unit having supply lines for enabling the potential to be coupled to the microchip being used in the device,	See claim element 1.e	See claim element 1.e
25.e	a plurality of interface elements having supply lines for selective connection between the supply lines of the source and the supply elements of the microchips,	See claim element 23.e	See claim element 23.e

Claim	Berndt '968 Application Claim Element	Corresponding Element in Present Application	Support in Present Application
25.f	different ones of the interface elements having different supply line configurations for supplying potentials from the supply lines of the source to the supply elements of the microchips with the different microfluidic configurations,	See claim element 23.f	See claim element 23.f
25.g	the interface element including a structure for connecting the supply lines with at least one of the supply elements that correspond to the microfluid structure,	See claim element 1.h	See claim element 1.h
25.h	the interface element and the holder having structures for enabling the interface unit to be releasably connectable to the holder so that the interface element can be selectively secured to and removed from the holder,	See claim element 1.i	See claim element 1.i
25.i	a housing for the (a) microchip, (b) holder, (c) interface element and (d) supply unit, the holder and housing having cooperating structures for enabling the holder to be selectively (a) locked into place in the housing and (b) released and removed from the housing.	See claim 19	See claim 19

III. ORIGINALITY DISPUTE

The present request for interference is to resolve an originality dispute as to who invented the claimed subject matter. The Berndt *et al.* '420 application was filed naming three inventors, Manfred Berndt and Patrick Kaltenbach of Agilent and Colin B. Kennedy of Caliper. Caliper and Agilent were involved in a collaboration to commercialize an apparatus for operation of a microfluidic device. Inventors from each of the companies contributed to the conception of the claimed invention. Applicant Kennedy submits a Declaration in Support of the Request for Interference,

attached hereto, that outlines the specific claims and subject matter to which Applicant Kennedy contributed.

The Berndt '968 application claims the same subject matter but names only Manfred Berndt at the sole inventor. Both parties have received a double patenting rejection and a rejection under 35 U.S.C. § 102(f) of their respective claims. Applicants request that an interference be declared so that each party can provide evidence as to the true inventorship of the claims.

IV. 35 U.S.C. § 135(b)

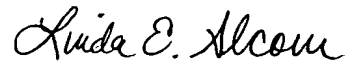
The claims identified as corresponding to the counts were presented in the application as originally filed on June 22, 2000, in an Amendment and Response filed on October 8, 2002, or in a Preliminary Amendment filed herewith. As the Berndt '968 application has not yet issued as a patent, all of the claims in the present application satisfy 35 U.S.C. § 135(b).

V. CONCLUSION

For the foregoing reasons, it is respectfully requested that an interference be declared between the present application and the Weigl '272 patent.

Respectfully submitted,

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